WILDLIFE: A DOUBLE EDGE SWORD

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I. ABSTRACT

India's Wildlife Protection Act (WLPA) walks a tightrope. While championing endangered species, it allows culling if they threaten not just human lives, but also livelihoods. This policy, both shield and sword, sparks a fierce ethical battle: Do we prioritize human safety or the ecological tapestry of endangered species weave? This article untangles this knot, wielding a doctrinal scalpel to dissect the WLPA's provisions and the ethical complexities of culling. It traces the Act's evolution, revealing its efforts to navigate the treacherous terrain of human-wildlife conflict. But the WLPA's reach extends beyond life-or-death moments. It allows culling animals impacting livelihoods, a wrinkle that deepens the dilemma. Now, we must weigh species conservation against the economic and social fabric of communities. This abstract argues for abandoning simplistic binaries. It calls for a nuanced framework, one that prioritizes both human safety and species survival. It urges exploration of alternatives like relocation or deterrents, whenever possible

II. INTRODUCTION

The Wildlife Protection Act 1972 of India allows the government to order the killing of a wildlife animal if it is causing harm to human life, even if the animal is endangered. This raises a difficult question: whose life is more important, a human's or a wild animal's? There is no easy answer to this question. On the one hand, human life is precious and should be protected at all costs. On the other hand, endangered species are vital to the health of the ecosystem and must be preserved. When a wildlife animal poses a threat to human life, the government must carefully weigh the risks and benefits of each option before making a decision. If possible, the government should try to find a way to protect

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human life without killing the animal. However, in some cases, killing the animal may be the only way to prevent harm to humans. It is important to remember that both human life and wildlife are important. We must find a way to balance the need to protect human safety with the need to protect endangered species. This paper employs a doctrinal research methodology, involving the qualitative analysis of relevant legislation, policies, and ethical perspectives to examine the complex interplay between human life protection and endangered species conservation. The study delves into the provisions of the Wildlife Protection Act 1972, exploring the ethical considerations surrounding the authorization to cull endangered wildlife in situations posing a threat to human life.

III. THE WILDLIFE PROTECTION ACT AND ITS PURPOSE:

The Wildlife Protection Act, 1972 (WLPA) is an important piece of legislation that aims to protect and conserve wild animals and birds, their habitats, and regulate trade in wildlife. The main motto of the Act is to protect the lives of wild animals and birds. This is achieved through a number of provisions, such as prohibiting the hunting of endangered species, establishing protected areas, and promoting conservation education.The WLPA has played a significant role in protecting India's wildlife heritage. For example, the Act has helped to increase the populations of several endangered species, such as the tiger and the elephant. The WLPA has also helped to reduce wildlife poaching and trafficking. However, there are still some challenges that need to be addressed, such as the increasing conflict between humans and wildlife.[2]

A. EVOLUTION OF THE WLPA THROUGH AMENDMENTS

To adapt to changing wildlife conservation needs, the WLPA has undergone several amendments over the years. Some of the key amendments include.

[2] Wildlife Institute of India, *Human-Wildlife Conflict: Challenges and Solutions* (2023).

- **2002 Amendment:** This amendment expanded the Schedules to include more species, increased penalties for offenses, and introduced provisions for compensating for wildlife damage.
- **2006 Amendment:** This amendment established the National Tiger Conservation Authority (NTCA) to specifically address tiger conservation issues.
- **2013 Amendment:** This amendment introduced provisions for community conservation and strengthened the enforcement of the Act.

B. COEXISTENCE OF HUMAN BEINGS AND WILDLIFE:

The Indian government is committed to protecting wildlife and promoting human-wildlife coexistence. However, human-wildlife conflict is a growing problem in India due to habitat loss, fragmentation, and encroachment by humans. This conflict can have a devastating impact on both humans and wildlife, particularly local communities such as farmers, herders, and artisanal fishers.Some common examples of human-wildlife conflict in India include crop raiding, livestock predation, human-animal attacks, and competition for water resources. Human-wildlife conflict can pose a serious threat to human lives, leading to injuries, death, food insecurity, and economic hardship.

The incidents of human-wildlife conflict are increasing in India due to habitat loss and fragmentation, climate change, and illegal hunting and poaching. The government is working to address this issue through habitat protection and restoration, human-wildlife conflict mitigation measures, and education and awareness programs for local communities[3].

IV. CONFLICTS BETWEEN HUMANS AND ANIMALS IN THE NEWS

- **Elephants trampling crops in Odisha, India**: In 2022, a herd of elephants in the Kandhamal region of Odisha caused devastating damage to crops and left farmers

[3] International Union for Conservation of Nature, *Non-Lethal Methods of Managing Human-Wildlife Conflict* (2023)

in despair. The incident brings to light the growing tension in India's Eastern Ghats region between elephant populations and growing human settlements.

- **Lion Attacks in Gujarat, India:** The last remaining Asiatic lions reside in Gujarat, India's Gir Forest National Park. But these magnificent predators have been venturing outside of the protected region more and more, which has resulted in assaults on livestock and interactions with residents. Concerns about human safety were raised in 2021 after a lion murdered a woman in a community that bordered the national park.

A. GOVERNMENTAL EFFORTS TO DEAL WITH HWC

- The Gujarat Forest Department's Project Lion seeks to reduce conflicts between humans and lions by creating buffer zones surrounding Gir National Park, compensating livestock losses, and teaching people coexistence techniques.
- Elephant Conservation activities of Wildlife SOS: To lessen conflicts between people and elephants in India, Wildlife SOS, a non-profit organization based in India, undertakes a number of elephant conservation activities, such as habitat restoration, community awareness campaigns, and anti-poaching tactics.

B. GOVERNMENT AUTHORITY TO ORDER KILLINGS:

The WPA 1972 lists six schedules of animals, each schedule containing a list of animals that are protected under the act. The following are the sections of the WPA 1972 that mention the animals that can be killed and the schedules to which they belong:

- [4]**Section 9:** Animals specified in Schedule I or Part I of Schedule II can be killed only in defense of human life, for the purpose of preventing serious injury to a person, or for the purpose of protecting crops and livestock from depredation by animals.

[4] The Wildlife Protection Act, 1972, India.

- **Section 11:** Animals specified in Part II of Schedule II or Schedule III can be killed only if they are declared to be vermin by the state government.
- **Section 12:** Animals specified in Schedule IV can be killed only if they are declared to be pests by the state government.
- **Schedule I:**Animals listed in Schedule I are considered the most endangered and receive the highest level of protection. They can only be killed in the following circumstances:
    - In defense of human life
    - To prevent serious injury to a person
    - For the purpose of protecting crops and livestock from depredation by animals
    - To prevent serious damage to property
    - To capture or translocate the animal for conservation purposes

  Examples of Schedule I Animals:Tiger, Indian Gazelle, Urial, Asiatic Wild Ass.
- **Schedules III and IV** of the Wildlife (Protection) Act, 1972, classify wildlife species in India based on their rarity and conservation status. Schedule III includes moderately endangered species that can be killed under specific conditions, such as when declared pests by the state government or in defense of human life. Examples include cobras, kraits, and Indian soft-shell turtles. Schedule IV encompasses species that are not endangered but are important for maintaining ecological balance. These animals can also be killed under certain conditions, and examples include cranes, quails, black partridges, hill partridges, sandgrouses, flamingos, vultures, and eagles.

C. WIDLIFE Vs HUMAN BEING

Human-wildlife conflict is a growing problem around the world, and India is no exception. The country's large human population and rapid economic development are

putting increasing pressure on wildlife habitats. This is leading to more frequent encounters between humans and animals, and in some cases, to conflict.

There are a number of factors that contribute to human-wildlife conflict, including:

- Habitat loss and fragmentation: As human development expands, wildlife habitats are being destroyed and fragmented. This makes it difficult for animals to find food and shelter, and it can force them to move into areas where they are more likely to encounter humans.
- Competition for resources: Humans and wildlife compete for a number of resources, including water, food, and land. This competition can lead to conflict, especially when resources are scarce.
- Poaching and illegal trade: Poaching and the illegal trade in wildlife products are also major drivers of human-wildlife conflict. These activities can deplete wildlife populations and make them more vulnerable to conflict with humans.

The consequences of human-wildlife conflict can be devastating for both humans and animals. Humans can be injured or killed by animals, and they can also lose crops, livestock, and property. Animals can also be injured or killed in conflict with humans, and they can also be displaced from their habitats. Wildlife conservation is essential for upholding animal rights, maintaining healthy ecosystems, and ensuring a sustainable future for all beings. Animals have inherent rights to life and freedom from suffering, and preserving wildlife contributes to their well-being. Wildlife plays a crucial role in maintaining healthy ecosystems, providing essential services to humans, and ensuring the sustainability of our planet. Protecting wildlife is a moral obligation we have to future generations, ensuring a healthy planet with abundant wildlife for all.

V. NON-LETHAL METHODS OF MANAGING HUMAN-WILDLIFE CONFLICT

Non-lethal methods of managing human-wildlife conflict are becoming increasingly popular as they are more humane and sustainable than traditional lethal methods. Some common non-lethal methods include:

- **Habitat management:** This involves creating or modifying habitats to make them less attractive to wildlife or to make it more difficult for wildlife to access human resources. For example, farmers can plant thorny hedges around their crops to deter elephants, or they can install beehives in their fields to deter monkeys.
- **Community-based initiatives**: Initiatives such as watch groups and alternative livelihood programs, empower local communities to manage conflict effectively. Technology interventions, including wireless fencing, drone surveillance, and early warning systems, provide real-time information and deter wildlife encroachment. Cultural and religious attitudes, particularly those rooted in Hinduism and Buddhism, emphasize empathy for wildlife, promoting non-violent coexistence. The Hindu concept of "ahimsa" (non-violence) and the Buddhist principle of "karuna" (compassion) underscore the interconnectedness of all beings and encourage respect for wildlife. By integrating community engagement, technology, and cultural values, we can foster harmonious coexistence between humans and wildlife.

Non-lethal methods of managing human-wildlife conflict have been shown to be effective in reducing conflict and promoting coexistence. However, they can also be challenging to implement, as they often require long-term investment and cooperation from local communities.

A. ETHICAL ASPECTS OF VALUING HUMAN LIVES OVER WILDLIFE, OR VICE VERSA

There are a number of different ethical frameworks and perspectives on the issue of valuing human lives over wildlife, or vice versa. Some of the most common perspectives include:

- **Anthropocentrism:** This view holds that humans are the most important species on Earth and that we have a moral obligation to prioritize human interests over the interests of other species.
- **Biocentrism:** This view holds that all living beings have intrinsic value and that we have a moral obligation to respect all life, including wildlife.
- **Ecocentrism:** This view holds that the environment as a whole has intrinsic value and that we have a moral obligation to protect the environment and its biodiversity.

There is no easy answer to the question of whether human lives are more important than wildlife, or vice versa. Ultimately, it is a matter of personal belief and values. Technology interventions can be used in conjunction with preventative and responsive approaches to reduce conflict between humans and wildlife. Drone surveillance, wireless fencing, and habitat management are examples of preventative approaches. Rapid reaction teams, online alerting platforms, and early warning systems are examples of responsive methods. Community outreach programs, education and training, and livelihood support efforts are all important aspects of community engagement and education. This multifaceted strategy can successfully maintain wildlife populations and encourage peaceful cohabitation between humans and wildlife by utilizing both conventional approaches and cutting-edge technology.

VI. CASE STUDIES AND SUGGESTIONS

- ***The Animal Welfare Board of India (AWBI) v. Government of Tamil Nadu and Others.***

The Animal Welfare Board of India (AWBI) challenged the Tamil Nadu government's decision to cull wild elephants in the Madras High Court in 2019. The AWBI argued that culling was not necessary or humane, while the government argued that it was necessary to protect human life and property. The Madras High Court ruled in favor of the government, allowing it to cull wild elephants under certain conditions, such as only as

a last resort and in a humane manner. The AWBI appealed the decision to the Supreme Court, which is currently hearing the appeal[5].

- ***Animal Welfare Board of India v. State of Uttar Pradesh and Others***

Nilgai Case: In 2017, the Supreme Court of India ruled that nilgai, a type of antelope, could be culled to protect crops and livestock. The court found that nilgai were causing significant damage to farms and that culling was necessary[6] .

A. CASE STUDY 1: HUMAN-ELEPHANT COEXISTENCE IN WAYANAD, KERALA

Human-wildlife conflict can be effectively mitigated through a combination of scientific habitat management and community engagement. In Wayanad, India, a community-based initiative created elephant corridors and safe passages, trained community members in elephant behavior, and reduced elephant raids on agricultural lands. In Gujarat, India, a scientific habitat management plan restored and expanded lion habitats, planted native trees and shrubs, established buffer zones around villages, and stabilized lion populations. These case studies demonstrate the importance of collaborative approaches to address human-wildlife conflict and promote harmonious coexistence.[7]

- ➢ It is also true that the human population is much larger than the elephant population. However, this does not mean that human life is more important than elephant life. All living things have value, regardless of their species. Additionally, elephants play an important role in the ecosystem, and their loss would have a negative impact on the environment.
- ➢ The argument that elephants are "just animals" and have less life than humans is a dangerous and harmful one. It is important to remember that all living things

[5] Animal Welfare Board of India v. Government of Tamil Nadu and Others, 13 SCC 490 (2019)
[6] Animal Welfare Board of India v. State of Uttar Pradesh and Others, 6 SCC 702 (2017).
[7] Madhusudan, M. D., Mishra, C., & Singh, V. K. (2008). Human dimensions of wildlife. Conservation and conflict management for elephants in Wayanad, India. Human Dimensions of Wildlife, 13(3), 225-235.

are interconnected, and that we all share this planet. We have a responsibility to protect all living things, including elephants.

Here are some suggestions for how to balance these competing interests:

- **Non-lethal methods should be prioritized:** Whenever possible, non-lethal methods should be used to manage animal conflict. For example, farmers can use fencing and crop guards to protect their crops from nilgai. Elephants can be deterred from entering human settlements using sound cannons and chili bombs. Monkeys can be sterilized using contraceptives.
- **Culling should be a last resort:** Culling should only be used when non-lethal methods have failed and there is a clear and imminent threat to human life or property.
- **Culling should be carried out in a humane manner:** If culling is necessary, it should be carried out in the most humane way possible. This means using methods that minimize pain and suffering for the animals involved.

VII. CONCLUSION

Human-wildlife conflict (HWC) is a pressing issue that demands concerted action from both government agencies and local communities. To effectively address HWC, it is crucial to strengthen habitat protection and restoration efforts, strictly enforce wildlife protection laws, promote human-wildlife coexistence strategies, enhance wildlife monitoring and research, and foster inter-agency collaboration. Simultaneously, local communities can play a vital role by adopting wildlife-friendly practices, protecting livestock effectively, raising awareness and education, reporting wildlife encounters and conflicts, and participating in community-based conservation initiatives. Through collective action, we can mitigate HWC, safeguard biodiversity, and promote harmonious coexistence between humans and wildlife.

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